

STATE OF PENNSYLVANIA.

LUNACY LAW

OF 1883,

As Amended by the Act of May 7, 1889, and as Further Amended by a
Supplement passed at the General Assembly of 1893,

ALSO

An Act to Provide for the Better Protection of Female Insane Patients
In Transit; the same as Amended by the Act of May 27, 1897.

An amendment to an act to Provide for the Commitment of Persons
Habitually Addicted to the use of Alcohol Drugs, &c.

An act authorizing the Committee on Lunacy to Transfer Inmates from
One State Hospital to another State Hospital for the Insane

An act to Provide for the Protection of Insane Persons, &c., and the
Appointment of a Guardian and

An act to Provide for the Employment of the Insane.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTER.
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COMMITTEE ON LUNACY.

ISAAC JOHNSON, Media.

Chairman.

GEORGE W. RYON, Shamokin.

PATRICK C. BOYLE, Oil City.

CYRUS B. KING, M. D., Allegheny.

EDWARD K. ROWLAND, Philadelphia.

J. NICHOLAS MITCHELL, M. D., Philadelphia.

Secretary.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTER.
1907.



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LUNACY LAW.

AN ACT

Relative to the Supervision and Control of Hospitals or Houses in which the Insane Are Placed for Treatment or Detention.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Board of Public Charities shall have the supervision over all houses or places in which any person of unsound mind is detained whenever the occupant of the house or person having charge of the lunatic receives any compensation for the custody, control, or attendance other than as an attendant or nurse, and also of all houses or places in which more than one such person is detained with or without compensation paid for custody or attendance.

Section 2. There shall be three additional members added to the Board of Public Charities, one of whom shall be a member of the bar of at least ten years' standing and one a practicing physician of at least ten years' standing. The three additional members shall be appointed by the Governor, and confirmed by the Senate, after the passage of this act, for a term of five years, or upon any vacancies occurring by death or resignation for the unexpired term of such appointment, or on the expiration of a term of service, and the Governor upon sufficient cause may, in his discretion, remove any member from the office.

Section 3. The Board shall appoint a committee of five to act as the Committee on Lunacy. The two professional members appointed under this act shall be members of that committee, and three members shall constitute a quorum. The committee shall choose a chairman and secretary to serve for the current year and annually thereafter in November. The secretary shall receive an annual salary of three thousand dollars, with the necessary incidental expenses, to be accompanied with proper vouchers payable quarterly by the State Treasurer, and he may be removed at the pleasure of the Board of Public Charities.

Section 4. The committee on lunacy herein provided for shall examine for themselves, or through their secretary, and report annually to the Board on or before the first day of November into the condition of the insane in this State, and the management and conduct of the hospitals, public and private almshouses, and all other places in which the insane are kept for care and treatment or detention, and it shall be the duty of the officers and others respectively in charge thereof to give such committee and their secretary at all times free access to the insane, and full information concerning them and their treatment therein.

Section 5. The said committee on lunacy are empowered and required to execute, through themselves or their secretary, all the provisions of this act which pertain to their office as set forth therein, and shall direct their secretary accordingly, and shall also, with the consent of the Board, make such other rules and regulations for their own government and that of their secretary as are not inconsistent with the provisions of this act.

Section 6. The report of the said committee on lunacy shall be published annually with that of the Board of Public Charities.

Section 7. The Board shall have power from time to time, with the consent of the Chief Justice of the Supreme Court and of the Attorney General, to ordain rules and regulations on the following matters so far as the same are not inconsistent with any laws of this Commonwealth then in force and of any provisions of this act:

(1.) The licensing of all houses or places in which any person can be lawfully detained as a lunatic or of unsound mind, upon compensation paid to or received by the owner or occupant of such house or place, directly or indirectly, for the care of such lunatic, and also of all houses or places in which more than one person of unsound mind is detained or resides, provided, that this clause shall not extend to any goal or prison, and provided also, that the Board with consent as aforesaid, may from time to time exempt any particular hospital established by the State, or under any municipal authority or any eleemosynary institution, from the obligation to apply for or obtain a license, and no such institution now existing shall be required to take out a license until required to do so by the Board, with the consent aforesaid.

(2.) Regulations to insure the proper treatment of persons detained in any house or place, whether licensed or not, that are subject to the provisions of this act, and to guard against improper or unnecessary detention of such persons.

(3.) Regulations of the forms to be observed, warranting the commitment, transfer of custody and discharge of all lunatics, other than those committed by order of a court of record, and as to these,

with the consent of the presiding judge of the court, under whose order the person is detained.

(4.) The visitation of all houses and places licensed under this act, or in which any persons are detained as lunatics, and of all persons detained therein.

(5.) The withdrawal of such licenses and the imposition of conditions under which they shall continue.

(6.) Reports and information to be furnished by the manager or managers of all houses or places subject to the provisions of this act and by the boards of visitors.

(7.) Regulations as to the number of persons that may be detained and the accommodations to be provided, and food, clothing, fuel to be furnished in any house or building, subject to the provisions of this act, the manner of such detention, and the restraints imposed, the means of communication by those detained with the relatives, friends, and other persons outside the houses and places of detention.

Section 8. There shall be appointed boards of visitors of all houses or places licensed under this act, or in which any person of unsound mind is detained, and for the care or custody of whom compensation of any kind is received, or where more than one such person is detained. One such board shall be appointed in every county in which there is a house or place subject to the provisions of this act, of not less than three persons, and in each county where there are more than one such house or place, the number constituting the board of visitors of such county shall be increased in the discretion of the committee of lunacy.

Section 9. The members of the board of visitors shall be appointed by the Board in each year, and shall continue until their successors are appointed, and the Board may remove the visitors and fill vacancies in the office.

Section 10. Women may be appointed members of the boards of visitors, and at least once a year these boards shall be filled up so that members who have failed to act shall be removed.

Section 11. It shall not be lawful for any person or persons or corporation, not exempted from the obligation to obtain a license under this act, to keep or maintain a house or place for the reception or custody of persons of unsound mind, without having received a license under this act, nor when such license has expired or been withdrawn or suspended, and the manager and occupant of any such house within which more than one person shall be detained as being a person of unsound mind for compensation received, and the manager and occupant of any such house or place wherein more than one person is received and detained with or without compensation, and

while there is no license in force authorizing the keeping of such house or place, shall be deemed guilty of a misdemeanor.

Section 12. Any person having charge or control of any house or place subject to the provisions of this act, used for the detention, care or custody of a lunatic, who shall violate, or omit to observe, any regulation of the committee on lunacy authorized by this act, after a copy of the same has been left at the said house or place, or delivered to the person named in the license or to the manager of such house, shall be deemed guilty of a misdemeanor, and all common law rights of action or indictment are also reserved.

Section 13. The Board of Public Charities shall, from time to time, provide for an effectual visitation of all persons confined as insane, in all places over which they are given jurisdiction by this act, and an inspection of such houses or places of confinement and of the mode of treatment of the insane.

Section 14. And the Board shall make rules to insure to the patients the admission of all proper visitors being members of their family, or personal friends, agents, or attorneys, and compel obedience to such regulations.

Section 15. The detention of any person as insane in any house or place made subject to the provisions of this act, without compliance with the requisitions of this act, shall be a misdemeanor on the part of any person concerned in such detention, who has omitted or permitted the omission of any of the requirements, and the party aggrieved shall also be entitled to his action for damages.

Section 16. No verdict or judgment shall be entered in any action, nor shall any judgment be entered on any indictment for such detention as against any person or persons who are subject to the regulations and provisions of this act, who shall have complied with the requirements of this act, unless the judge, after trial and verdict, shall certify that there was proof to his satisfaction that the party charged acted with gross negligence, or corruptly, or that he acted without reasonable or probable cause, or was actuated by motives other than the good of the person restrained.

Section 17. In all buildings or establishments where an insane person is detained, which are subject to the provisions of this act, there shall be kept the following books which shall be at all times open to the inspection of any member of the committee on lunacy or the board of visitors of the proper county:

An admission book.

A discharge book.

A Case Book, in which there shall be regularly entered all the facts bearing on each patient and his case.

A Medical Journal, in which there shall be, at least once a week, a

statement written of all matters which are of special importance, bearing on the treatment and condition of the patients.

Section 18. No person shall be received as a patient for treatment or for detention in any house or place where more than one insane person is detained, or into any house or place where one or more insane persons are detained for compensation without a certificate signed by at least two physicians resident in this Commonwealth, who have been actually in the practice of medicine for at least five years, both of whom shall certify that they have examined separately the person alleged to be insane, and after such an examination had, do verily believe that the person is insane and that the disease is of a character which, in their opinion, requires that the person should be placed in a hospital or other establishment where the insane are detained for care and treatment, and that they are not related by blood or marriage to the person alleged to be insane, nor in any way connected as a medical attendant or otherwise with the hospital or other establishment in which it is proposed to place such person.

Section 19. The certificate above provided for shall have been made within one week of the examination of the patient and within two weeks of the time of the admission of the patient, and shall be duly sworn to or affirmed before a judge or magistrate of this Commonwealth and of the county where such person has been examined, who shall certify to the genuineness of the signatures and to the standing and good repute of the signers. And any person falsely certifying as aforesaid, shall be guilty of a misdemeanor and also liable civilly to the party aggrieved.

Section 20. No person alleged to be insane shall be received into any house for treatment or for detention, unless at the time of such reception the person or persons at whose instance the person is received, shall, by a writing signed, state that the person has been removed and is to be detained at his or her request, under the belief that such detention is necessary and for the benefit of the insane person.

Section 21. There shall also be delivered to the person or persons having supervision or charge of the house, a written statement of the following facts relative to the person to be detained, signed by the person or persons at whose instance the insane person has been removed and detained, or if the facts be not known, it shall be so stated:

- (1.) The name.
- (2.) Age.
- (3.) Residence for the past year or for so much thereof as is known.
- (4.) Occupation, trade or employment.
- (5.) Parents, if living.
- (6.) Husband or wife.

(7.) Children.

(8.) Brothers and sisters, and the residence of each of these persons.

(9.) If not more than one of these classes is known, the names and residences of such of the next degree of relatives as are known.

(10.) A statement of the time at which the insanity has been supposed to exist, and the circumstances that induce the belief that insanity exists.

(11.) Name and address of all medical attendants of the patient during the last two years.

Section 22. Should the person in charge of the house have reason to believe that any of these statements have been omitted through ignorance, and that the answers will be immediately furnished, and no reason existing to doubt the good faith of the parties after inquiring of the person intended to be detained, it shall be lawful to detain the person alleged to be insane for such further period as shall be necessary to obtain the said statements complete, but not exceeding seven days.

Section 23. Within twenty-four hours after any person is received into any house for detention as an insane person, the person in charge there shall enter or have entered, in a book kept for that purpose, all the facts stated in the certificate or documents required to be exhibited at the time of receiving the patient, and shall file the originals and preserve them. The regular medical attendant of the house shall, within twenty-four hours after the reception of any patient, examine such patient, and reduce to writing the results of such examination, and enter the same upon a book to be kept for that purpose, together with the opinion formed from such examination and from the documents received with the patient.

Section 24. In case the said medical attendant is of the opinion that the detention is not necessary for the benefit of the patient, he shall notify the person or persons at whose instance the patient is detained, and unless such person shall, without a delay not exceeding seven days, exhibit satisfactory proof of such necessity, the patient shall be discharged from the house and restored to his family or friends.

Section 25. At the time of such examination, the medical attendant shall himself cause the patient distinctly to understand, if he or she is capable of doing so, that if he or she desires to see or otherwise communicate with any person or persons, means will be provided for such interview or communication, and said attendant shall personally see that proper means are taken to communicate this fact to the person or persons indicated by the patient, and any proper person or persons, not exceeding two, shall be permitted to have a full and unrestrained interview with the patient.

Section 26. The statements furnished at the time of the reception of the patient (and at the examination of the patient by the medical attendant of the house) shall be forwarded by mail to the address of the committee on lunacy within seven days from the time of the reception of the patient, which shall by them be entered in a book, which they shall keep for this purpose, and at least once in six months there shall be a report made by the medical attendant of the house on the condition of each patient, together with such other matters relative to the case as the said committee may require, and at any time such report shall be made upon the request of the secretary of the committee on lunacy.

Section 27. During the detention of any person as insane, any medical practitioner designated by him or by any member of his family, or "near friend," with the sanction of a judge of a court of record of the county in which such insane person resides at the time of his removal and detention, shall be permitted, at all reasonable hours, to visit and examine the patient, and such medical attendant shall, unless objected to by the patient, be permitted, by request of his or her family, or "near friend," and with the consent of the physician-in-chief of the establishment, to attend the patient for all maladies other than insanity in the same manner as if the patient were in his own home.

Section 28. All persons detained as insane shall be furnished with materials and reasonable opportunity, in the discretion of the superintendent or manager, for communicating under seal with any person without the building, and such communication shall be stamped and mailed. They shall have the unrestricted privilege of addressing communications, if they so desire, not oftener than once a month, to any member of the committee on lunacy.

Section 29. The provisions of this act, in respect of the admission or discharge of patients, shall not extend to insane criminals in custody. Such persons shall not be received except when delivered by a sheriff of the county, or his deputy, together with an order of the court of the county in which he was arrested or convicted, having jurisdiction of the offense under seal of the court, and signed by a law judge, nor shall such criminals be discharged from a hospital or other place of detention for the insane, saving on a like order and to the sheriff, or his deputy, producing such order, and while detained as an insane person, such criminal shall be so kept as to insure his detention until duly discharged. Whenever any person, detained in any gaol or prison, is insane, or in such condition as to require treatment in a hospital for the insane, it shall be the duty of any law judge of the court, under whose order the person is detained, upon application, to direct an inquiry into the circumstances, either by a commission or otherwise, as he shall deem proper, with notice to

the committee on lunacy, and if the judge shall be satisfied that the person confined requires treatment in a hospital, he shall thereupon direct the removal of the said person from the gaol or prison to a state hospital, which order shall be executed by the sheriff of the county, or his deputy, and the actual expenses of such removal and the expense of maintaining the person in the hospital, shall be paid by the county liable for the maintenance of the said person in the gaol or prison from which he is removed.

Section 30. The trustees, manager and physicians of any hospital in which a criminal is confined by order of any court, or in which a lunatic has been committed after an acquittal of crime, shall not discharge, release, or remove the prisoner or lunatic without the order of a court of competent jurisdiction, and in case such lunatic, whether a convict or acquitted, is not set at large, but is to be removed to any place of custody other than a hospital, the order for removal shall not be made without notice to the committee on lunacy, and time given them to investigate the case and be heard on the application.

Section 31. All persons that have been detained as insane, (other than criminal insane, duly convicted and sentenced by a court), shall, as soon as they are restored to reason and are competent to act for themselves, in the opinion of the medical attendant of the house, be forthwith discharged, and any person so detained shall at all times be entitled to a writ of habeas corpus for the determination of this question, and on the hearing, the respondent in that writ shall be required to pay the costs and charges of the proceedings, unless the judge shall certify that there was sufficient ground in his opinion to warrant the detention and put the petitioner to his writ. In case the discharged patient be in indigent circumstances, such person shall be furnished with necessary raiment and with funds sufficient for sustenance and travel to his home, to be charged to the county from which such patient was committed.

Section 32. The committee on lunacy shall be notified of all discharges within seven days thereafter, and a record of the same shall be kept by the committee.

Section 33. The committee on lunacy may, at any time, order and compel the discharge of any person detained as insane, (other than a person committed after trial and conviction for crime, or by order of court), but such order shall not be made unless notice be given to the person having charge of the building in which the patient is detained, and to the person or persons at whose instance the patient is detained, and reasonable opportunity given them to justify a further detention, and the committee shall not sign an order of discharge unless they have personally attended and examined the case of the patient.

Section 34. A supplement to an act relative to the supervision and

control of hospitals and houses in which the insane are placed for treatment or detention, approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-three, extending the time for which voluntary agreement may be made with reference to insane or nervous persons. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that section thirty-four of the Act of Assembly, approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-three, which reads as follows:

“Persons voluntarily placing themselves in any of the houses provided for in this act, may be detained for the time they shall specify by an agreement signed by them, at the time of their admission, but not exceeding seven days; and they may, from time to time, renew the authority to detain them for a time not exceeding seven days from such renewal, but no agreement shall be deemed to authorize a detention unless signed in the presence of some adult person attending as a friend of the person detained, in the presence of, and also by the person in charge of the house or the medical attendant,” be and the same is hereby amended to read as follows:

“Persons voluntarily placing themselves in any of the houses provided for in this act, and who may be suffering from nervous diseases, threatening mental disorder, may be received for a period of one month or less, by an agreement, which shall also specify the time, signed by them at the time of admission, and they may renew said agreement at the end of one month, but no agreement shall be deemed to authorize their remaining, unless signed in the presence of some adult person attending as a friend of the person applying in the presence of and also by the medical attendant.”

Approved—The 10th day of May, A. D. 1893.

ROBT. E. PATTISON. *

Section 35. So much of the act entitled “An act to provide for the admission of certain classes of the insane into hospitals for the insane in this Commonwealth, and their discharge therefrom,” approved the twentieth day of April, Anno Domini one thousand eight hundred and sixty-nine, number fifty-four of the pamphlet laws of that year, as provides “that insane persons may be placed in a hospital for the insane by their legal guardians, or by their relatives or friends in case they have no guardians, but never without the certificate of two or more reputable physicians, after a personal examination, made within one week of the date thereof, and this certificate to be duly acknowledged and sworn to or affirmed before some magistrate or judicial officer, who shall certify to the genuineness of the signatures and to the respectability of the signers,” is amended, and the person thereby authorized to place an insane person in a hos-

pital, are required to observe the forms and conditions required by this act in exercising the powers conferred by the said act of the twentieth day of April, Anno Domini one thousand eight hundred and sixty-nine, when the insane person is placed in any house, hospital, or place which is subject to the provisions of this act.

Section 36. So much of said act as provided by section second as enacts "That it shall be unlawful, and be deemed a misdemeanor in law, punishable by a fine of not exceeding one hundred dollars, for any superintendent, officer, physician, or other employe of any insane asylum to intercept, delay or interfere with, in any manner whatsoever, the transmission of any letter or any other written communication addressed by an inmate of any insane asylum to his or her counsel, residing in the county in which the home of the patient is, or in the city or county in which the asylum is located," is hereby amended so that the same shall extend to the superintendents, officers, physicians, servants, or other employes of all hospitals, houses, or places which are subject to the provisions of this act.

Section 37. So much of the said act as provides by section ten: "If the superintendent or officers of any hospital for the insane shall receive any person into the hospital after full compliance with the provisions of this act, no responsibility shall be incurred by them for any detention in the hospital," as applies to the superintendent or officers of any hospital, house, or place made subject to the provisions of this act, is repealed, and in place of the provisions of that act for the protection of such superintendent or officers, the provisions of this act, is repealed, and in place of the provisions of that act for the protection of such superintendent or officers, the provisions of this act for that purpose are substituted.

Section 38. The managers and officers of any hospital, or licensed house or place, shall not be liable to the penalties imposed by this act, and shall be entitled to all the protection of this act in case of receiving for detention a lunatic or alleged lunatic without complying with the requisitions of the act, if the judge trying the cause shall certify that the said officers and managers had good reason to believe that such receiving and detention were necessary for the safety of the lunatic or other persons, and that the delay required to comply with the requirements of this act would have been injurious to the person detained, or to other persons, and that there is no reason to believe that they or any of them were actuated by improper motives. And within forty-eight hours after any person is thus received, all the requisitions of this act to authorize a detention shall have been complied with, or the person discharged from custody and the officers of the hospital or place where such lunatic has been thus received, shall forthwith notify the Board of Public Charities of the facts connected with the reception and detention.

Section 39. Whenever any person shall be found by inquisition to be insane, the committee of the person or of the estate, and also the clerk of the court into which the inquisition has been returned, shall thereupon forthwith send to the committee on lunacy, at their principal office a statement in writing, signed by the committee of the lunatic, of the name, age, sex, and residence of the lunatic, and the residence of the committee, and upon any change in the residence or place of detention of the lunatic, shall forthwith notify the committee on lunacy of such change. The committee on lunacy, or any one or more of the members of the committee, shall have power to visit and examine the said lunatic and authorize such visiting and examination by their secretary, or any board of visitors, or one or more members thereof, and by a physician, and the said committee are authorized to apply to any court having jurisdiction over the committee, or to a judge of a Court of Common Pleas of the county in which the lunatic is a resident or detained, to make such orders for the maintenance, custody or care of the said lunatic, and for the care and disposition of the property of a lunatic as the case may require. From any order, final or otherwise, thus made, an appeal may be taken to the Supreme Court, but such appeal shall not be a supersedeas unless so ordered by the court making the order, or by a judge of the Supreme Court on application and a hearing.

Section 40. This act shall for all purposes, except the appointment and organization of the central board, go into operation thirty days after a proclamation shall have been issued by the Governor announcing the organization of the committee on lunacy.

Approved—The 8th day of May, 1883.

ROBT. E. PATTISON.

Pennsylvania, ss:

In the name and by the authority of the Commonwealth of Pennsylvania.

(Seal.)

ROBERT E. PATTISON.

Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, It is provided in and by the fortieth section of the act of the General Assembly of this Commonwealth, entitled "An act relative to the control and supervision of hospitals or houses in which the insane are placed for treatment or detention," approved the 8th day of May, A. D. 1883, that "This act shall, for all the purposes except the appointment and organization of the Central Board, go into operation thirty days after a proclamation shall have been issued by the

Governor announcing the organization of the Committee on Lunacy;"

And whereas, It has been properly certified to me that the Committee on Lunacy, provided for by the third section of the above recited act of the General Assembly, has been duly appointed by the Board of Public Charities, to consist of the following named persons: Philip C. Garrett, Henry M. Hoyt, Thomas G. Morton, E. Coppee Mitchell and W. W. H. Davis, and that said committee met in the city of Philadelphia, on Monday, the thirtieth day of July, A. D. 1883, and organized according to law.

Now, therefore, As required by the said fortieth section of the act of the General Assembly above recited, I, Robert E. Pattison, Governor as aforesaid, do issue this my proclamation, hereby announcing that the Committee on Lunacy, provided for by the third section of said act, consisting of the aforesaid Philip C. Garrett, Henry M. Hoyt, Thomas G. Morton, E. Coppee Mitchell and W. W. H. Davis, has been duly organized as required by the above recited act of the General Assembly.

Given under my hand and the great seal of the State at Harrisburg, this twentieth day of August, in the year of our Lord one thousand eight hundred and eighty-three, and of the Commonwealth the one hundred and eighth.

ROBT. E. PATTISON,
Governor.

By the Governor:
W. S. STENGER,
Secretary of the Commonwealth.

A SUPPLEMENT

To an act relative to the supervision and control of hospitals and houses in which the insane are placed for treatment or detention, approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-three.

Section 1. Be it enacted, &c., That the Committee on Lunacy, created by said act, approved May eight, Anno Domini one thousand eight hundred and eighty-three, shall at all times be subject to the authority and control of the State Board of Public Charities, and that section five of said act, which reads as follows:

"Section 5. The said Committee on Lunacy are empowered and required to execute, through themselves or their secretary, all the provisions of this act which pertain to their office, as set forth therein; and shall direct their secretary accordingly, and shall also, with the

consent of the Board, make such other ruling and regulations for their own government, and that of their secretary, as are not inconsistent with the provisions of this act," be and the same is hereby repealed.

Approved—The 7th day of May, A. D. 1889.

JAMES A. BEAVER.

AN ACT

To provide for the maintenance, care and treatment of the indigent insane in county and local institutions.

Section 1. Be it enacted, &c., That any county, municipality, borough or township of this Commonwealth, which now has or may hereafter supply, erect and equip a suitable institution for the maintenance, care and treatment of its indigent insane, upon plans and specifications approved in writing by the Board of Public Charities, shall receive from the State Treasury the sum of one dollar and fifty cents per week for every indigent insane person of such county, municipality, borough or township so maintained, who has been legally adjudged to be insane and committed to such institution, or who may be transferred from a State Hospital for the Insane to such local institution: Provided, That the Board of Public Charities shall be satisfied with the quality and equipment of such institution, and the manner of care and treatment therein furnished, is proper and suitable to the class or classes of the indigent insane so maintained, and shall so certify to the Auditor General before any such payment shall be made.

Approved—The 25th day of May, A. D. 1897.

DANIEL H. HASTINGS.

AN ACT

To provide for the Better Protection of Female Insane Patients in Transit.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever any indigent female insane patient is to be removed from any county almshouse to a State Hospital or asylum for the insane, or from one State hospital or asylum for the insane to another State hospital or asylum, or from the home of such indigent patient to an

almshouse, hospital or asylum, or when returned from such institution to her home, it shall be the duty of the court under whose order such patient is committed, or of the commissioners of the county, or the overseers of the poor of the district to which such patient is chargeable (if not committed by the court), to provide a female attendant for every female patient in transit at the expense of the proper county or poor district, unless such patient is accompanied by a member of her family.

Approved the fourteenth day of April, Anno Domini one thousand eight hundred and ninety-three.

ROBT. E. PATTISON.

The foregoing act amended as follows:

Section 2. Any public officer, superintendent, steward, director of poor or other person, transferring as aforesaid any such female insane patient, who shall refuse or neglect to observe the provisions of this act as hereby amended, shall be subject to a penalty of two hundred and fifty dollars for each such refusal or neglect, which penalty may be sued and recovered in the name of the Commonwealth by the district attorney of the county in which such act of refusal or neglect occurred, and the sum so recovered shall be paid into the treasury of the State.

Approved—The 27th day of May, A. D. 1897.

DANIEL H. HASTINGS.

AN ACT

To authorize and provide for the commitment of persons habitually addicted to the use of alcoholic drink or intoxicating drugs to a proper hospital or asylum, for restraint, care and treatment.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for any persons so habitually addicted to the use of alcoholic drink, absinthe, opium, morphine, chloral, or other intoxicating liquor or drug, as to be a proper subject for restraint, care and treatment in a hospital or asylum or for at least two persons being the wife, husband, parent, child, children, or next friend of such person, to apply by petition to the Court of Quarter Sessions or to any magistrate or justice of the peace of the proper county, setting forth the facts, upon oath, and requesting the commitment of such person to a proper hospital or asylum, for restraint, care and treatment; and such petition shall be accompanied by the affidavit of at least two physicians, based on examination by them of the alleged drunkard, setting forth the condition of such person,

and stating that, in their opinion, restraint, care and treatment in a hospital or asylum would be a benefit to such person. Whereupon the said court, magistrate or justice, shall issue a warrant to bring before them on the day certain, the petitioner, both physicians, and the alleged drunkard; and a hearing shall then be held, and if the facts set forth in the petition and affidavits are proved to the satisfaction of the judge, magistrate or justice, it shall be the duty of the court to commit such alleged drunkard to a proper hospital or asylum, for restraint, care and treatment, until upon further hearing the said court, magistrate or justice shall be satisfied that such restraint, care and treatment are no longer beneficial to the person committed as aforesaid: Provided, That such restraint shall not be continued in any case for a longer period than one year. And provided, That no person shall be committed under the provisions of this act, or be admitted into any hospital or asylum, until payment has been made or security has been given to the managers of the hospital or asylum, satisfactory to them, to pay the proper charges for the board, care and treatment of the alleged drunkard, and also to indemnify the said managers from all cost and expense. And provided, That all commitments under this act shall be reviewable by proceedings under writ of habeas corpus, which may be sued out, at any time, by any person restrained hereby or by anyone acting for or on behalf of such person.

Approved—The 16th day of April, 1903.

SAML. W. PENNYPACKER.

AN ACT

To amend an act, entitled "An act to authorize and provide for the commitment of persons habitually addicted to the use of alcoholic drink or intoxicating drugs to a proper hospital or asylum, for restraint, care, and treatment, approved April sixteen, Anno Domini one thousand nine hundred and three; providing for the commitment of persons habitually addicted to the use of alcoholic drink or intoxicating drugs to a proper hospital or asylum, for restraint, care and treatment, by the court of quarter sessions.

Section 1. Be it enacted, &c., That section one of an act, approved April sixteen, Anno Domini one thousand nine hundred and three, entitled "An act to authorize and provide for the commitment of persons habitually addicted to use of alcoholic drink or intoxicating drugs to a proper hospital or asylum, for restraint, care and treatment," which reads as follows:

"Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for any person so habitually addicted to the use of alcoholic drink, absinthe, opium, morphine, chloral, or other intoxicating liquors or drugs, as to be a proper subject for restraint, care and treatment in a hospital or asylum, or for at least two persons, being the wife, husband, parent, child, children, or next friends, of such person, to apply by petition to the court of Quarter Sessions, or to any magistrate or justice of the peace of the proper county, setting forth the facts, upon oath, and requesting the commitment of such person to a proper hospital or asylum, for restraint, care and treatment; and such petition shall be accompanied by the affidavits of at least two physicians, based on examination of them of the alleged drunkard, setting forth the condition of such person, and stating that, in their opinion, restraint, care and treatment in a hospital or asylum will be a benefit to such person. Whereupon the said court, magistrate, or justice, shall issue a warrant to bring before them, on a day certain, the petitioner, both physicians, and the alleged drunkard; and a hearing shall then be had, and if the facts set forth in the petition and affidavits are proved to the satisfaction of the judge, magistrate, or justice, it shall be the duty of the court to commit such alleged drunkard to a proper hospital or asylum, for restraint, care and treatment, until, upon further hearing, the said court, magistrate, or justice shall be satisfied that such restraint, care and treatment are no longer beneficial to the person committed as aforesaid: Provided, That such restraint shall not be continued in any case for a longer period than one year: And provided, That no person shall be committed under the provisions of this act, or be admitted into any hospital or asylum until payment has been made, or security has been given, to the managers of the hospital or asylum, satisfactory to them, to pay the proper charges for the board, care and treatment of the alleged drunkard, and also to indemnify the said managers from all cost and expense: And provided, That all commitments under this act shall be reviewable by proceedings under writ of habeas corpus, which may be sued out at any time by any person restrained hereby, or by any one acting for or on behalf of such person," be and the same is hereby amended so as to read as follows:

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for any person so habitually addicted to the use of alcoholic drink, absinthe, opium, morphine, chloral, or other intoxicating liquor or drug, as to be a proper subject for restraint, care and treatment in a hospital or asylum, for at least two persons, being the wife, husband, parent, child, children, or next friends of such person, to apply by petition to the court of Quarter Sessions of the proper county, setting forth the facts, upon oath,

and requesting the commitment of such person to a proper hospital or asylum, for restraint, care and treatment; and such petition shall be accompanied by the affidavit of at least two physicians, based on examination by them of the alleged drunkard, setting forth the condition of such person, and stating that, in their opinion, restraint, care and treatment in a hospital or asylum will be a benefit to such person. Whereupon the said court shall issue a warrant to have brought into court, on a day certain, the petition, both physicians, and the alleged drunkard; and a hearing shall then be had, and, if the facts set forth in the petition and affidavits are proved to the satisfaction of the court, it shall be the duty of the court to commit such alleged drunkard to a proper hospital or asylum, for restraint, care and treatment, until, upon further hearing, the said court shall be satisfied that such restraint, care and treatment are no longer beneficial to the person committed as aforesaid: Provided, That such restraint shall not be continued in any case for a period of more than a year: And provided, That no person shall be committed under the provisions of this act, or be admitted into any hospital or asylum, until payment has been made, or security has been given to the managers of the hospital or asylum, satisfactory to them, to pay the proper charges for board, care and treatment of the alleged drunkard, and also to indemnify the said managers from all costs and expense: And provided, That all commitments under this act shall be reviewable by proceedings under writ of habeas corpus, which may be sued out at any time by the person restrained hereby, or by any one acting for or on behalf of such person.

Approved—The 28th day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

To provide for the protection of insane persons, feeble-minded persons, and epileptics, and the appointment of a guardian for the said insane persons, feeble-minded persons, and epileptics, unable to care for their own property; authorizing the guardian to support the wife and children of the said insane persons, feeble-minded persons, and epileptics; defining the powers of the guardian, and authorizing the sale of real estate of the ward.

Section 1. Be it enacted, &c., That whenever hereafter any person, being a resident of this State, shall become insane or feeble-minded or epileptic, or so mentally defective that he or she is unable to take care of his or her property, and in consequence thereof is liable to dissipate or lose the same, and to become the victim of designing

persons, it shall be lawful for either the mother, father, brother, sister, husband, wife, child, next of kin, creditor, or, in the absence of such person or persons, or their inability, any other person, to present to the court of common pleas of the county in which said person to be cared for resides, his or her petition, under oath, setting forth the facts, praying the court to adjudge such person to be unable to take care of his or her property, and to appoint a guardian for the estate of such person.

Section 2. Thereupon it shall be the duty of the court to fix a day for the hearing on such application, and direct that ten days' written notice thereof be given to the person against whom the petition is presented, and also to the other members of his or her family residing within the jurisdiction, and, if such person or persons cannot be found, then by notice by such publication as the court may think proper.

Section 3. Upon the day fixed for the hearing the court shall require the presence of the person against whom the petition is presented, unless there is positive testimony to the effect that such person cannot be brought into court with safety to him or herself. At such hearing the court shall take the testimony of all the parties in interest, and of such other witnesses as the petitioner and the person against whom proceedings are instituted, or any member of his or her family, he or she may see fit to summons, on the question of the inability of the person against whom the proceedings are taken to care for his or her property because of mental deficiency. If the court, on such hearing, shall be satisfied that the person against whom the proceedings are taken is not able, owing to insanity or weakness of mind, to take care of his or her property, then it shall be the duty of the court to decide, and enter a decree accordingly, and appoint a guardian to take care of the same.

Section 4. If the person against whom the proceedings are taken shall demand in writing, prior to the decision of the court on such application, a trial by jury, it shall thereupon be the duty of the said court to award an issue, framed to determine the question of fact involved, and such trial shall be granted.

Section 5. From and after a decree that the person, against whom the same is entered, is insane, or so weak in mind that he or she is unable to take care of his or her property, the said person shall be wholly incapable of making any contract or gift whatever, or any instrument in writing, and the entry of such decree shall be notice of such incapacity, and said person shall be a ward of the court appointing such guardian.

Section 6. The guardian, so appointed, shall have precisely the same powers, and be subject to the same duties, as a committee on lunacy in the State of Pennsylvania. The court appointing such

guardian shall have full power over the same, in directing an allowance for the said ward and for the support and maintenance of his wife, or his or her children, and the education of his or her minor children; and shall enter a decree of sale, mortgaging, leasing, or conveyance upon ground-rent of the real estate, or any part thereof, of the said ward, whenever in the opinion of the court it is necessary for the support and maintenance of the said ward or his family, or the education of his or her minor children, or the payment of his or her debts, or where it is for the interest and advantage of the said ward that the same shall be sold, mortgaged, leased, or let on ground-rent; and all absolute sales in fee simple, except as hereinafter provided, shall be by public sale or vendue, and may be either entirely for cash or partly on credit, and after full advertisement for at least twenty days by handbills, posted in at least twenty of the most public places in the city or county where the said premises shall be situated, and in at least two newspapers, not less than three times in each: Provided, That if the court shall be of the opinion that, under the circumstances, a better price can be obtained by private sale than at public sale, the court may decree and approve the same. Such sale, mortgaging, leasing, and letting on ground-rent shall be upon terms and rates to be approved by the court. When the said real estate is situated in the same county in which the said person shall reside, or in another county, or counties, and the court shall be satisfied of the propriety of a sale, mortgaging, or leasing, or letting on ground-rent, upon such real estate, or any part thereof, not within their jurisdiction, it shall be lawful for such court to make an order or decree authorizing such guardian to sell, mortgage, lease, or let on ground-rent all the real estate of the ward, or so much thereof as the court may think necessary and as it may designate. Thereupon it shall be the duty of the court of Common Pleas of the county wherein the real estate so designated is situated, upon the petition of such guardian, to make an order for the sale, mortgaging, leasing, or letting upon ground-rent of said real estate, or so much thereof as the court appointing said guardian by its order shall designate; and such guardian shall, in all cases, make a return of his proceedings to the said court, in the county in which the real estate was sold, mortgaged, leased, or let upon ground-rent shall be found, only. If the same be approved by the court, it shall be confirmed, and said guardian shall make a return of said proceedings to the court by which said guardian was appointed. The said guardian shall give such bonds and file such accounts, at such periods, as the court shall determine.

Section 7. If, at any time after the decree has been entered, the person against whom such proceedings are taken shall become able to care for his or her property, he or she, or any one of his or her

family, or next of kin, may petition to the court, setting forth such fact; and, after a hearing, of which due notice shall be given to such person so afflicted, and to all members of the family and next of kin of the said person, if the court shall find that the said person so afflicted has regained the ability to care for his or her property, the court shall so decree, and shall discharge the guardian; and thereupon the said person shall be, so far as the care of his or her property or person shall be concerned, for the future, the same as if the proceedings against him or her had never been taken.

Section 8. Any person aggrieved by the final decree of the courts of Common Pleas may, within three months from the time of the entry of said decree, appeal to the Superior Court of the State, and such court may confirm, reverse, or modify the decree entered in the lower court.

Section 9. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved—The 28th day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

Authorizing and empowering the Committee on Lunacy to transfer inmates from one State hospital for the insane to another State hospital for the insane.

Section 1. Be it enacted, &c., That the Committee on Lunacy are hereby authorized and empowered, in their discretion, upon being satisfied that any of the State hospitals for the insane are overcrowded, to transfer patients or inmates from one State hospital for the insane to another.

Section 2. That the cost of such transfer shall be paid out of the general appropriation for the care of the insane, and upon certificate of the Committee on Lunacy that such transfer has been made, and of its cost.

Section 3. The municipalities or persons liable to the institutions in which the commitment was made shall, after this transfer, be liable to the State hospital for the insane to which such transfer shall be made.

Approved—The 1st day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

To provide for the employment of the insane, feeble-minded, and epileptic persons confined in institutions, wholly or in part maintained by the State, for the care and treatment of the insane, feeble-minded, and epileptic person; and providing for the distribution of the supplies, manufactured articles, goods, and products made in State institutions for the care of the insane, feeble-minded, and epileptic persons.

Whereas, From the testimony taken by the Commission, appointed by the Legislature of Pennsylvania, under a joint resolution, on the eighteenth of April, one thousand nine hundred and five, entitled "A joint resolution creating a Commission to investigate various charitable institutions, et cetera," for the investigation of the management of State hospitals and institutions for the care and treatment of the insane, appears that both the physical and mental condition of the inmates are improved when they are given employment; and

Whereas, It also appears that some of those inmates who are given employment on the farms connected with the State institutions, and in and about the same, are much improved in body and mind; and

Whereas, It appears that the greater number of the inmates of the said institutions are, however, kept in idleness because there is no employment that they can be given;

It is, therefore, recommended by the Commission above mentioned, appointed by your honorable body, that means be devised whereby the inmates of the said institutions may be given employment, and their condition thereby improved; and for that purpose the above mentioned Commission respectfully recommends the enactment by your honorable body of an act, entitled "An act to provide for the employment of the insane, feeble-minded, and epileptic insane persons confined in institutions, wholly or in part maintained by the State, for the care and treatment of the insane, feeble-minded, and epileptic persons; and providing for the distribution of the supplies, manufactured articles, goods and products made in State institutions for the care of the insane, feeble-minded, and epileptic persons."

Section 1. Be it enacted, &c., That from and after the passage of this act, all inmates of any institution or hospital, which is wholly or in part maintained by the State for the care and treatment of the insane, feeble-minded, and epileptic persons, may make, manufacture, or produce such supplies, manufactured articles, goods, and products as may be used in any of the State hospitals or institutions.

Section 2. All the supplies, manufactured goods, and products, so made, manufactured, or produced in institutions or hospitals, shall bear the stamp, giving the full name or title of the institutions wherein said article was made, manufactured, or produced.

Section 3. Supplies, manufactured articles, goods, and products, so made, manufactured or produced, shall not be sold or exchanged to any person, firm, co-partnership, unincorporated association, or corporation; but same may be made, subject to sale or exchange to any institution, within the confines of the Commonwealth, which is maintained by the State wholly or in part, wherein the insane, feeble-minded, and epileptic persons are confined.

Section 4. Any trustee, manager, or superintendent, or other person connected with the management and control of any institution for the care and treatment of the insane, feeble-minded, or epileptic, and who shall violate any of the provisions of this act by permitting any supplies, manufactured articles, goods or products to be sold or exchanged in any other way except as herein provided, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00), at the discretion of the court.

Section 5. All laws or parts of laws inconsistent herewith shall be and the same are repealed.

Approved—The 28th day of May, A. D. 1907.

EDWIN S. STUART.

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